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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,176	12/21/2000	William James Morrison	AUS920000765US1	2913
7590	02/12/2004		EXAMINER	
Duke W. Yee Carstens, Yee & Cahoon, L.L.P P.O. Box 802334 Dallas, TX 75380			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/746,176	MORRISON ET AL. <i>SW</i>
Examiner	Art Unit	
Marissa Thein	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 December 2000.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u>	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on March 26, 2001 is being considered by the examiner.

### ***Drawings***

The drawings filed on December 21, 2000 are acceptable.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method claims as presented do not claim a technological basis in the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural/functional interrelationship is considered to have a technological basis. All that is necessary to make a sequence of operations steps a statutory process within 35 U.S.C. 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of "useful arts" *In re Musgrave*, 431 F.2d 882, 167 USPQ 280 (CCPA 1970).

To overcome this rejection the Examiner recommends the Applicant amend the claims to better clarify which of the steps are being performed within the technological

arts, such as "simultaneously displaying at a computer network, using a single screen image, a plurality of different items offer for auction".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 9-12, 15-17, 25-28, 31-33, 41-44, and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,647,373 to Carlton-Foss.**

Regarding claims 1, 17, and 33, Carlton-Foss discloses an electronic auction method, system, and computer-readable medium comprising the steps of:

- simultaneously displaying, using a single screen image, a plurality of different items offered for auction (see at least col. 3, lines 20-23; col. 5, lines 64-66; col. 6, lines 38-40; Figures 4a-4b; col. 3, lines 61-67);
- permitting entry of a different bid for each of a plurality of the plurality of different items using the single screen image (see at least col. 3, lines 23-26; col. 6, lines 3-4; col. 6, lines 21-23; col. 6, lines 3-40; Figures 4a-4b; Figure 5; col. 3, lines 61-67); and
- simultaneously submitting the bid for each of the plurality of the plurality of different items from the single screen image (see at least col. 3, lines 30-37; col.

6, lines 10-13; col. 6, lines 21-23; col. 6, lines 38-40; Figures 4a-4b; Figure 5; col. 3, lines 61-67).

Regarding claims 9-10, 25-26, and 41-42, Carlton-Foss discloses receiving the different bid for each of the plurality of the plurality different items using the single screen image (see at least col. 3, lines 30-37; col. 6, lines 10-13; col. 6, lines 21-23; col. 6, lines 38-40; Figures 4a-4b; Figure 5); simultaneously displaying a confirmation for the different bid for each of the plurality of different items using a second single screen image (see at least col. 6, line 54 –col. 7, line 4); and simultaneously submitting a different bid for each one of a first plurality of the plurality of different items and submitting a modification for a each one of a second plurality of the plurality of different items (see at least col. 5, lines 24-31; col. 6, lines 21-25; col. 6, lines 41-46; col. 3, lines 61-67).

Regarding claims 11-12, 27-28, and 43-44, Carlton-Foss discloses the step of simultaneously submitting a different bid for each one of a first plurality of the plurality of different items and canceling each one of a second plurality of the plurality of different items; and the step of simultaneously submitting a different bid for each one of a first plurality of the plurality of different items and revising each one of a second plurality of the plurality of different items (see at least col. 9, lines 11-42).

Regarding claims 15-16, 31-32, and 47-48, Carlton-Foss discloses simultaneously displaying, using the single screen image, a plurality of different offerings offered for auction, wherein an offering includes one or more items (see at least col. 3, lines 20-23; col. 5, lines 64-66; col. 6, lines 38-40; Figures 4a-4b; col. 6, line

66 – col. 7, line 4); selecting a plurality of the plurality of different offerings to display to a particular user (see at least col. 3, lines 23-26; col. 6, lines 3-4; col. 6, lines 21-23; col. 6, lines 3-40; Figures 4a-4b; Figure 5; col. 6, line 66 – col. 7, line 4; col. 3, lines 61-67); and simultaneously displaying , using the single screen image, only the plurality of the plurality of different offerings (see at least col. 6, lines 21-23; col. 6, lines 3-40; Figures 4a-4b; col. 3, lines 61-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2-8, 13-14, 18-24, 29-30, 34-40, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,647,373 to Carlton-Foss in view of U.S. Patent No. 6,415,270 to Rackson et al.**

Regarding claims 2-8, 18-24, and 34-40, Carlton-Foss substantially discloses the claimed invention, however, Carlton-Foss does not disclose the plurality of auction types such as interactive auction, single auction, and priced auction. Carlton-Foss discloses a bidding means for submitting proposals (col. 3, lines 23-26) and an evaluation means for ranking bids received (col. 3, lines 34-36). Furthermore, Carlton-Foss discloses a Display System that displayed selected information from the request database and the bid database to appropriate requestors and bidders so that the

bidders are encouraged to compete in an open marketplace and the requestors may witness the bidding and alter the environment of that bidding before and during the time of the competitive bidding process (col. 3, lines 61-67). Rackson, on the other hand, teaches the auction types (see at least col. 9, lines 25-35; col. 10, lines 60-63; col. 11, lines 2-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the electronic auction method, system, and computer-readable medium of Carlton-Foss, to include the auction types, as taught by Rackson, in order to provide an optimized method for a bidder to have the multi-auction service place coordinated bids at one or more of a plurality of networked remote auction services for a bidder to enable him to purchase those items at the optimal or lowest prices from the point of view of the bidder (Rackson col. 6, lines 25-30).

Regarding claims 13-14, 29-30, and 45-46, Carlton-Foss substantially discloses the claimed invention, however, the Carlton-Foss does not disclose the proxy. Carlton-Foss discloses a submitter which is the bidder or the entity the bidder represents (col. 9, lines 19-21). Rackson, on the other hand, discloses the proxy (see at least col. 14, lines 17-29; col. 14, lines 50-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the electronic auction method, system, and computer-readable medium of Carlton-Foss, to include the proxy, as taught by Rackson, to allow bids to be placed on the various remote auction services (Rackson col. 14, lines 28-29), thus, to provide an optimized method for a bidder to have the multi-auction service

place coordinated bids at one or more of a plurality of networked remote auction services for a bidder to enable him to purchase those items at the optimal or lowest prices from the point of view of the bidder (Rackson col. 6, lines 25-30).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,182,116 to Namma et al. discloses a virtual WWW server for enabling a single display screen.

U.S. Patent No. 6,405,221 to Levine et al. discloses a method and apparatus for creating the appearance of multiple embedded pages of information in a single web browser display.

U.S. Patent Application Publication No. 2002/0007338 A1 to Do discloses a method and apparatus for conducting bidding sessions in various modes to arrive at the highest or lowest price.

Canadian Patent No. 2,136,155 to Ameline et al. discloses a user interface for browsing multidimensional objects in a single window.

WWW.AUCTIONWATCH.COM discloses an auction management system that manages all auction activity from one place.

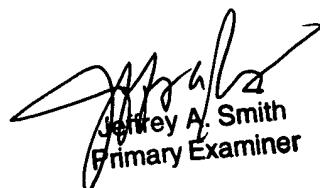
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 703-308-3588. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mtot  
February 3, 2004



Jeffrey A. Smith  
Primary Examiner